

REMARKS/ARGUMENTS

Counsel for Assignee has received and reviewed the Office Action mailed December 28, 2005. In that Action claims 1-19 were rejected under 35 U.S.C. § 103 as unpatentable over *Traw et al.* (U.S. 6,542,610) in view of *Severt et al.* (U.S. 5,602,750).

Counsel has canceled all pending claims and submits herewith new claims 20-30 which have been rewritten in a form to clarify the important features of the invention and distinguish the invention from the cited references.

Traw et al. in '610 shows a method for protecting digital content from copying or other misuse as it is transferred between computationally constrained devices. *Traw et al.* mainly describes the secure content transfer aspects on the network. *Traw et al.* mentions updating copy control information (see column 10, lines 11-23); however, *Traw et al.* is silent on the relationship between the value of the copy control information and the handling of the original content.

Applicants' invention also involves the transfer of streaming digital data. The invention, however, is intended to provide copyright protection, rather than secure transmission of the content of the data. For example, in Applicants' system the streaming data may be transmitted on a public network and transmitted between devices in a home entertainment system, for example, a digital satellite receiver, television, a disc recorder, etc. (See Figure 1.)

With respect to Figure 1 assume that user of the system records a movie (streaming data) which is being broadcast. The user may watch the recorded movie on television, or may move the recorded movie to other media. For copyright protection, the transmitted streaming data should be handled differently depending upon whether the original streaming data has been deleted. (The user may be entitled to keep one copy, but not many copies.) Applicants' invention addresses how the transmitted streaming data is handled with respect to copy control information. See, e.g., page 3, lines 7-19 of the specification. The newly-presented claims describe the relationship between the control information and the handling of the streaming data.

The Examiner has cited *Severt et al.* as disclosing an apparatus where the results file manager deletes the data from a current result location. *Severt et al.* in '759 does show an administrative computer embodied in a hand-held unit. The testing apparatus performs the necessary tests on a target machine, such as a telephone, for the performance of

repairs. The testing program installed in the apparatus is shown by the modules of Figure 6 of '750. The results file manager 216 operates on the results file, and can delete data.

Severt et al., however, does not relate to protecting digital content, and does not relate to the copyright protection or the control of copying. As discussed, the deletion or retention of the original data and the copy control information are interrelated in the present invention.

Severt et al. only teaches deletion of the data, presumably at the user's option. Accordingly, counsel believes that the newly-presented claims, which elaborate upon the relationship between the content control information and handling of the streaming data are neither shown nor suggested by the cited references.

If the Examiner believes a telephone conference would expedite prosecution of this application, he is invited to telephone the undersigned at 650-324-6303 (direct).

Respectfully submitted,



Robert C. Colwell
Reg. No. 27,431

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 650-326-2400
Fax: 415-576-0300
RCC: mks
60760362 v1